

ARNOLD & PORTER LLP202.942.5000
202.942.5999 Fax555 Twelfth Street, NW
Washington, DC 20004-1206**Fax Transmittal**

December 22, 2005

RECIPIENT NAME(S)	RECIPIENT FAX NUMBER(S)	RECIPIENT TELEPHONE NUMBER(S)
Board of Patent Appeals and Interferences Attn: Dianne Maggard	(571) 273-0299	
SENDER	SENDER'S TELEPHONE NUMBER	SENDER'S ROOM NUMBER
David R. Marsh	(202) 942-5068	982
CLIENT/MATTER NUMBER	TIMEKEEPER NUMBER	NUMBER OF PAGE(S)
16517.276	4979	We are transmitting 3 page(s) (including this cover sheet)
TRANSMISSION DEADLINE (DATE & TIME)		ALTERNATE TELEPHONE NUMBER (OPTIONAL)
This document must be transmitted no later than: December 22, 2005/ASAP		Alternate telephone number at which the sender can be reached if there are difficulties with this fax: (202) 942-5159
If you experience difficulty receiving this fax transmission, please contact the operator at 202.942.5837.		
MESSAGE		

Re: Appeal No. 2004-1275; Conf. No. 1048

U.S. Patent Appln. Ser. No. 09/540,235 filed April 3, 2000

Title: Nucleic Acid Sequences from *Cyanidium Caldarium* and Uses ThereofInventors: Dane K. FISHER *et al.*

Atty. Docket: 16517.276

Please see the attached Express Abandonment under 37 CFR § 1.138(a) for the above-identified application.

PRIVILEGED AND CONFIDENTIAL

Information intended only for the use of the addressee named above. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, please note that any dissemination, distribution or copying of this communication is strictly prohibited. Anyone who receives this communication in error should notify us immediately by telephone and return the original message to us at the above address via the U.S. Mail.

ARNOLD & PORTER LLP

David R. Marsh, Ph.D.
David_Marsh@aporter.com

202.942.5068
202.942.5999 Fax

555 Twelfth Street, NW
Washington, DC 20004-1208

December 22, 2005

VIA FACSIMILE

Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

Appeal No. 2004-1275
Confirmation No. 1048

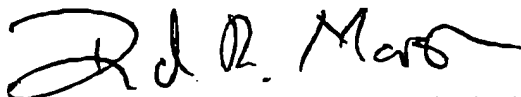
Re: U.S. Patent Application Serial No. 09/540,235 filed April 3, 2000
Inventors: Dane K. FISHER *et al.*
Title: Nucleic Acid Sequences from *Cyanidium Caldarium* and Uses Thereof
Atty. Dkt.: 16517.276

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office is an Express Abandonment under 37 C.F.R. § 1.138(a). This letter and its attachment are being sent via facsimile to the attention of the Board of Patent Appeals and Interferences.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Appellants do not believe any fees are due in conjunction with this filing. However, if any fees under 37 C.F.R. § 1.16 or § 1.17 are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docketing number 16517.276.

Sincerely,



David R. Marsh (Reg. No. 41,408)

Attachment

I hereby certify that this transmittal and the attached Express Abandonment under 37 C.F.R. § 1.138(a) are being facsimile transmitted to the US PTO to the attention of the Board of Patent Appeals and Interferences via facsimile number (571-273-0299).


David R. Marsh (Reg. No. 41,408)

December 22, 2005
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Dane K. FISHER *et al.*

Appln. No.: 09/540,235

Filed: April 3, 2000

For: Nucleic Acid Sequences from *Cyanidium Caldarium* and Uses Thereof

Confirmation No.: 1048

Art Unit: 1631

Examiner: Michael L. Borin

Atty. Docket: 16517.276

Express Abandonment Under 37 C.F.R. § 1.138(a)

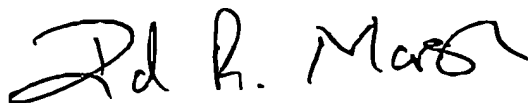
Mail Stop Express Abandonment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby expressly abandon U.S. Application Serial No. 09/540,235 under 37 C.F.R. § 1.138(a) in view of a continuing application filed on December 21, 2005.

Should the Commissioner require additional information, he is invited to contact the undersigned at the number provided below. The undersigned is an attorney of record and therefore has authority to expressly abandon the above-captioned U.S. application in favor of a continuing application filed on December 21, 2005.

Respectfully submitted,

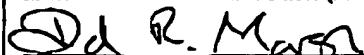


Filed: December 22, 2005

Correspondence Address:
MONSANTO COMPANY
800 N. Lindbergh Blvd.
Mailzone E2NA
St. Louis MO 63167
(314) 694-3602 telephone
(314) 694-1671 facsimile

David R. Marsh, Reg. No. 41,408
Arnold & Porter LLP
555 Twelfth Street, N.W.
Washington, DC 20004
Tel: 202-942-5000
Fax: 202-942-5999

I hereby certify that the foregoing Express Abandonment under 37 C.F.R. § 1.138(a) is being facsimile transmitted to the U.S. Patent and Trademark Office to the attention of the Board of Patent Appeals and Interferences via facsimile number (571) 273-0299.



December 22, 2005